

LEVIN-EPSTEIN & ASSOCIATES, P.C.

60 East 42nd Street • Suite 4700 • New York, New York 10165
T: 212.792-0048 • E: Jason@levinepstein.com

September 2, 2021

Via Electronic Filing

The Honorable Stewart D. Aaron, U.S.M.J.
U.S. District Court, Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Antolini v. McCloskey et al*
Case No.: 1:19-cv-09038-GBD

Dear Honorable Magistrate Judge Aaron:

This law firm represents Defendants Dimur Enterprises Inc., Amy McCloskey, Theresa Laurent, Eddie C K Chung (“Mr. Chung”) and C&S Millennium Real Estate (collectively, the “Defendants”) in the above-referenced action.

Pursuant to Your Honor’s Individual Practice Rules I(A) and II(A), this letter respectfully serves to request an extension of time to file the transcript of Plaintiff’s continued deposition held on August 26, 2021 (the “August 26th Deposition Transcript”) from September 3, 2021 to, through and including September 10, 2021, or a date thereafter.

The basis of this request is that Defendants stand to incur significant additional court reporter fees for ordering a “rush” deposition transcript. Specifically, the court reporting agency for Plaintiff’s August 26th deposition (TransPerfect Legal Solutions) represented that:

1. The base rate for a normal deposition transcript, with an anticipated delivery date of September 10, 2021, is \$4.25 per page; and
2. The base rate for a “rush” deposition transcript, with an anticipated delivery date of September 3, 2021, is \$7.65 per page (*i.e.*, a “rush” deposition transcript is nearly twice as expensive as a normal deposition transcript).

An extension of time to file the August 26th Deposition Transcript from September 3, 2021 to, through and including September 10, 2021, is in the interests of judicial economy – not solely for Defendants, but also for Plaintiff and Attorney Finkelstein – who are currently facing “significant” sanctions as a result of their misconduct during Plaintiff’s April 19, 2021 and August 26, 2021 depositions. [*See* Dckt. No. 167-1 at 51:10-25-52:2-4]; [*see also* Dckt. No. 184 at p. 2].

This is the first request of its nature. This request is not made on consent of Plaintiff, who did not provide a basis for withholding his consent.

In light of the foregoing, Defendants respectfully request an extension of time to file the August 26th Deposition Transcript from September 3, 2021 to, through and including September 10, 2021, or a date thereafter.

We thank the Court for its attention to this matter, and are available at the Court's convenience to answer any questions related to the foregoing.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi

Jason Mizrahi
60 East 42nd Street, Suite 4700
New York, NY 10165
Tel. No.: (212) 792-0048
Email: Jason@levinepstein.com
Attorneys for Defendants

VIA ECF: All Counsel